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3 **FAIR POLITICAL PRACTICES COMMISSION**
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6 Attorneys for Complainant

7

8   BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

9   STATE OF CALIFORNIA

10

11 In the Matter of   )   FPPC No. 02/630
)
12   )
        DAVID E. GUNN and FRIENDS OF   )   STIPULATION, DECISION and
13   DAVID GUNN,   )   ORDER
)
14   )
            Respondents.   )
15   )
)
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17   Complainant Mark Krausse, Executive Director of the Fair Political Practices Commission, and

18 Respondents David E. Gunn and Friends of David Gunn hereby agree that this stipulation will be

19 submitted for consideration by the Fair Political Practices Commission at its next regularly scheduled

20 meeting.

21   The parties agree to enter into this stipulation to resolve all factual and legal issues raised in this

22 matter, and to reach a final disposition without the necessity of holding an administrative hearing to

23 determine the liability of Respondents.

24   Respondents understand, and hereby knowingly and voluntarily waive, any and all procedural

25 rights set forth in sections 83115.5, 11503, and 11523 of the Government Code, and in section 18361 of

26 title 2 of the California Code of Regulations. This includes, but is not limited to, the right to personally

27 appear at any administrative hearing held in this matter, to be represented by an attorney at

28 Respondents' own expense, to confront and cross-examine all witnesses testifying at the hearing, to

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subpoena witnesses to testify at the hearing, to have an impartial administrative law judge preside over the hearing as a hearing officer, and to have the matter judicially reviewed.

It is further stipulated and agreed that Respondents David E. Gunn and Friends of David Gunn violated the Political Reform Act by failing to maintain records of employer and occupation information for contributors and failing to disclose employer and occupation information on campaign statements, in violation of Government Code sections 84104 and 84211 (2 counts), as described in Exhibit 1. Exhibit 1 is attached hereto and incorporated by reference, as though fully set forth herein. Exhibit 1 is a true and accurate summary of the facts in this matter.

Respondents agree to the issuance of the decision and order, which is attached hereto. Respondents also agree to the Commission imposing upon them an administrative penalty in the amount of Two Thousand Dollars ($2,000). A cashier's check from Respondents in said amount, made payable to the "General Fund of the State of California," is submitted with this stipulation as full payment of the administrative penalty, and shall be held by the State of California until the Commission issues its decision and order regarding this matter. The parties agree that in the event the Commission refuses to accept this stipulation, it shall become null and void, and within fifteen (15) business days after the Commission meeting at which the stipulation is rejected, all payments tendered by Respondents in connection with this stipulation shall be reimbursed to Respondents. Respondents further stipulate and agree that in the event the Commission rejects the stipulation, and a full evidentiary hearing before the Commission becomes necessary, neither any member of the Commission, nor the Executive Director, shall be disqualified because of prior consideration of this stipulation.

Dated: _____   _____
                                 Mark Krausse
                                 Executive Director
                                 Fair Political Practices Commission

Dated: _____   _____
                                 David Gunn on behalf of
                                 Friends of David Gunn, Respondent

Dated: _____   _____
                                 David Gunn, Respondent

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DECISION AND ORDER

2   The foregoing stipulation of the parties "In the Matter of David Gunn and Friends of David

3 Gunn, FPPC No. 02/630," including all attached exhibits, is hereby accepted as the final decision and

4 order of the Fair Political Practices Commission, effective upon execution below by the Chairman.

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6   IT IS SO ORDERED.

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8 Dated: _____   _____

9   Liane M. Randolph, Chairman
                     Fair Political Practices Commission

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